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Matt Schneider, Mark Lindsey, and Michael
Fernandez

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Johnny Wheatcroft and Anya Chapman,
as husband and wife, and on behalf of
minors J.W. and B.W.,

Plaintiffs,

v.

City of Glendale, a municipal entity; Matt
Schneider, in his official and individual
capacities; Mark Lindsey, in his official
and individual capacities; and Michael
Fernandez, in his official and individual
capacities,

Defendants.

No. 2:18-cv-02347-MTL

**AFFIDAVIT OF JOSEPH J.
POPOLIZIO IN SUPPORT OF
JOINT SUPPLEMENTAL BRIEF
RE: REQUEST TO SEAL VIDEOS**

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, Joseph J. Popolizio, hereby declare:

1. I am over the age of 18 years and competent to testify to the matters
set forth in this Affidavit;

2. I represent the Defendants in the above entitled action;

1 3. On March 26, 2021, I filed a Motion for Summary Judgment on behalf
2 of Defendants along with a Supporting Statement of Facts in Support of their Motion for
3 Summary Judgement (Docs 245 and 246);

4 4. As supporting Exhibits 9, 12, and 13 to Defendants' Statement of
5 Facts, (Doc 246) I filed three videos: Defendant Schneider's Body Worn Camera Video,
6 Defendant Lindsey's Body Worn Camera Video, and the Motel 6 Surveillance Video (the
7 "Videos");

8 5. Defendants disclosed these Videos in this lawsuit in their unredacted
9 form in their First Supplemental Mandatory Initial Discovery Responses on January 29,
10 2019;

11 6. Before the disclosure of these Videos in their unredacted form,
12 Defendants contacted Plaintiffs to suggest that the parties enter into a protective order to
13 protect the identities of the minor Plaintiffs, but Plaintiff declined. As a result, Defendants
14 indicated in a footnote to their First Supplemental Mandatory Initial Discovery Responses,
15 in pertinent part:

16 ¹Please note that Defendants offered and Plaintiffs have
17 declined to enter into a protective order to protect the identities
18 of the minor Plaintiffs...Defendants provide this unredacted
video footage to Plaintiffs at Plaintiff counsel's request. . .

19 7. Thereafter, during a discovery dispute hearing on February 13, 2020,
20 the Court suggested that the parties enter into a global protective order considering the
21 sensitive information in this lawsuit. The Parties agreed with that suggestion, and
22 Defendants drafted a Motion for Protective Order and Proposed Protective Order. On
23 February 24, 2020, the Court entered a Protective Order pursuant to the Proposed Order
(Doc. 114).

24 8. After the Court entered the Protective Order (Doc. 114), Defendants
25 marked many disclosed items as "Confidential" pursuant to the Protective Order, but
26 certainly did not have the capability to mark the Videos as "Confidential", and would not
27 alter the Videos if they had that capability either;
28

